

September 21, 2004

Henry Maddux, Field Supervisor  
U. S. Fish and Wildlife Service  
2369 West Orton Circle  
West Valley City, Utah 84115

Re: Section 7 Consultation on the Permit Boundary Expansion, Hidden Splendor Resources, Inc., Horizon Mine, C/007/0020, Task ID #1933, Outgoing File

Dear Mr. Maddux:

The purpose of this letter is to, request your concurrence with our findings on the Permit Boundary Expansion for Hidden Splendor Resources, Inc. in accordance with the Section 7 requirements of the Endangered Species Act.

### **Endangered and Threatened Species**

Chapter 10, section 10.3.3.1 page 10-25 and table 10-1 of the MRP address this section of the regulations. The text on page 10-25 and table 10-1 need to be updated to reflect the current status of Threatened, Endangered and Candidate species. A current list of species for Carbon county has been "E" mailed to the applicant for inclusion in their application and MRP. The list of threatened, endangered and candidate species that may occur in Carbon County are Graham Beardtongue, Uintah Basin Hookless Cactus, Bonytail Chub, Colorado Pike Minnow, Humpback Chub, Razorback Sucker, Bald Eagle, Mexican Spotted Owl, Western Yellow-billed Cuckoo and the Black-Footed Ferret. Of these species listed only one, the Bald Eagle, may occur in the proposed lease area. Bald eagles are common in the area during the winter and could occasionally fly through or roost in the proposed addition to the permit area. Since the area is a permit boundary extension and will not include any surface disturbance or surface mining activities; mining is not likely to adversely affect these birds.

Most threatened or endangered species that could occur in Carbon County occur at lower elevations than the mine and have no habitat in the proposed permit area expansion. There have been no confirmed sightings of Black-Footed Ferrets in Carbon County in several years. However, the mine has potential, through water depletions, of adversely affecting four listed threatened and endangered fish species of the upper Colorado River drainage. They include the Bonytail Chub, Colorado Pike Minnow, Humpback Chub and Razorback Sucker. The Fish and Wildlife Service requires mitigation when water depletions exceed 100 acre-feet annually.

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Chapter 7 section 7.3.2, PHC Determinations, and page 7-71 lists the criteria and volumes used to calculate an estimated consumption of 60 acre feet of water per year.

Please let us know if you concur with our findings and if you have other concerns. If you have any questions about this project, please call Joe Helfrich at (801) 538-5290.

Sincerely,

D. Wayne Hedberg,  
Permit Supervisor

Jch/an  
cc: Kit Pappas, Hidden Splendor Resources, Inc.  
Price Field Office  
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